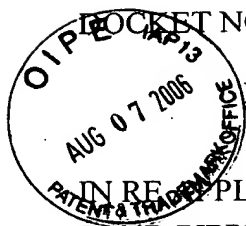


BUCKET NO.: 238667US25FWC



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

GROUP: 2128

Jack D PIPPIN

SERIAL NO: 08/636,024

EXAMINER: Phan, Thai Q.

FILED: April 19, 1996

FOR: METHOD AND APPARATUS FOR PROGRAMMABLE THERMAL SENSOR  
FOR AN INTEGRATED CIRCUIT

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s). No more than five (5) pages are provided.

I am the attorney or agent of record.

Respectfully Submitted,

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## REMARKS/ARGUMENTS

### **I. Background**

Claims 38-42, 44-48, 50, 52, and 53 are presently active in this case. The May 08, 2006 after-final amendment was entered by the June 19, 2006 advisory action. However, claims 39, 40, 42, 44-46, 50, 52, and 53 stand finally rejected under 35 USC 102(b) as anticipated by U.S. patent No. 5,087,870 to Salesky et al. Claim 38 has been allowed. See the February 06, 2006 office action (hereinafter referred to as "the OA").

Independent claims 39, 40, and 47 define a microprocessor including, among other things, (i) a register to store a register value corresponding to a threshold temperature and (ii) a programmable thermal sensor to generate a first interrupt signal in response to a microprocessor temperature exceeding the threshold temperature. Independent claims 50 and 52 define, among other things, (a) generating a temperature signal within a microprocessor indicative of (corresponding to) the temperature of the microprocessor and (b) generating an interrupt signal in response to the temperature signal indicating that the first threshold temperature level has been exceeded.

### **II. Clear Errors in the OA**

Applicants believe that the following clear errors form the basis of the 35 USC 102(b) anticipation rejections in the OA:

(a) Salesky et al. clearly do not teach a microprocessor including a register to store a register value corresponding to a threshold temperature (independent claims 39, 40, 41, 42, 46, 47, and 48);

(b) Salesky et al. clearly do not teach a microprocessor including a programmable thermal sensor to receive the register value and to generate an interrupt

signal in response to a microprocessor temperature exceeding the threshold temperature corresponding to the register value (independent claims 39, 40, 41, 42, 46, 47, and 48); and

(c) Salesky et al. clearly do not teach generating a temperature signal *within* a microprocessor indicative of the temperature of the microprocessor (independent claims 50, 52, and 53).

### III. Analysis

#### a. Clear Error (a)

The Salesky et al. patent discloses an electronic load circuit which operates in constant resistance, constant voltage, or constant current modes at levels selected by the user of the electronic load. When one of the three modes causes an overpower condition which is detected by the circuit, then a constant power mode is activated.

The OA asserts on page 3 that the power control circuit of Salesky et al. includes “means for storing a pre-programmed value”. In particular, the OA asserts that a signal “PROG” corresponds to the claimed register value corresponding to a threshold temperature. Applicant first points out that the “PROG” signal relied upon in the OA does not correspond to a threshold temperature. Rather, the “PROG” signal represents the programmed power level of the power to be dissipated by the electronic load in response to a load demand selected by the user of the electronic load. See column 4 lines 34-39 of Salesky et al. In contrast thereto, the present invention defines a microprocessor including a register to store a value corresponding to a threshold temperature.

Applicant further points out that the Salesky et al. patent does not disclose the origin of the “PROG” signal. That is, it is unclear from Salesky et al. whether the “PROG” signal originates on the electronic load circuit or externally. See Figure 2 of

Salesky et al. In contrast thereto, the present invention defines that the register value is stored in a register which forms part of a microprocessor. Consequently, it was clear error to reject claims 39, 40, 41, 42, 46, 47, and 48 as anticipated by Salesky et al. as Salesky fails to anticipate the register feature of Applicant's invention.

**b. Clear Error (b)**

The OA asserts that Salesky et al. illustrates a programmable thermal sensor in Figure 3. However, the Salesky et al. patent also fails to teach or suggest a programmable thermal sensor. The circuit illustrated in Figure 3 of Salesky et al. is an overpower detector. Nowhere does Salesky et al. teach or suggest that the overpower detector generates a signal in response to detecting that the temperature of a microprocessor has exceeded the threshold temperature corresponding to a value stored in a register on the microprocessor. Moreover, Salesky et al. do not teach or suggest generating an interrupt signal in response to the temperature signal indicating that the first threshold temperature level has been exceeded.

Consequently, it was clear error to reject claims 39, 40, 41, 42, 46, 47, and 48 as anticipated by Salesky et al. as Salesky fails to anticipate the programmable thermal sensor feature of Applicant's invention.

**c. Clear Error (c)**

The OA does not expressly identify where the Salesky et al. patent teaches generating a response signal. Applicant again points out that the circuit illustrated in Figure 3 of Salesky et al. is an overpower detector. Nowhere does Salesky et al. teach or suggest that the overpower detector *generates* a signal in response to detecting that the temperature of a microprocessor has exceeded the threshold temperature corresponding to a value stored in a register on the microprocessor.

Consequently, it was clear error to reject claims 50, 52, and 53 as anticipated by Salesky et al. as Salesky fails to anticipate the responsive signal generation feature of Applicant's invention.

#### **IV. Request**

In view of the foregoing, Applicant requests a finding that his application is allowed on the active claims.